

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

NAJEEB RAHMAN,

Defendant.

2:08-cr-126-RLH-PAL

ORDER

(2d Motion to Amend—#174)

Before this Court is Defendant Rahman's second **Motion to Amend Judgment of Conviction Re: Time Served Credits** (#174, filed September 12, 2012). This Motion, previously filed by his attorney, was addressed and denied by an Order (#144) entered February 3, 2011. That Order cited 18 U.S.C. §3585(b) and case law which holds that a district court lacks authority to calculate credit for time served in the first instance, and that that authority lies with the Attorney General acting through the Bureau of Prisons. That is still the law and the basis for denying this second motion.

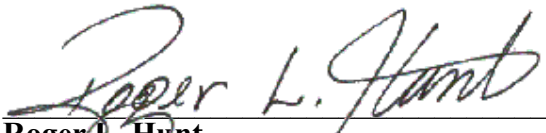
The information attached to and made part of the motion makes it clear that the calculation and decision by Bureau of Prisons is correct, although misunderstood by Rahman.

Although Rahman was in custody of the U.S. Marshal during the time in question, before his sentencing in this Court, while he was in the custody of the Marshal, he was sentenced in his state case and given credit in the state conviction for the time he spent in federal custody. (See Motion, page 3, lines 16-21.) His parole in state court was not effective until November 30, 2010

1 (See #174-2, page 4.), after his sentencing here on June 4, 2010. Title 18 U.S.C. §3585(b) provides
2 that Rahman cannot be given credit for time served for any time “credited against another sentence.”
3 Accordingly, he cannot get credit for the time between his entrance into the custody of the U.S.
4 Marshal and his sentencing in this Court, because the state court credited that time to his state
5 sentence.

6 IT IS THEREFORE ORDERED that Defendant Rahman’s second **Motion to Amend**
7 **Judgment of Conviction Re: Time Served Credits** (#174) is DENIED.

8 Dated: September 14, 2012.

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11 **Roger L. Hunt**
12 **United States District Judge**
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